

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

JAIME CHAVEZ,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	2:19cv454-MHT
	)	(WO)
OFFICER ANTHONY PARKER,	)	
	)	
Defendant.	)	

ORDER

A review of the records of this court reflect that plaintiff filed a second complaint against the same defendant which asserts identical claims as those presented in this action. See *Chavez v. Parker*, Civil Action No. 2:19-cv-1044-WHA (M.D. Ala.). This apparently occurred after he was transferred to a new prison. While the above-captioned case has been dismissed for failure to prosecute, plaintiff's complaint filed in civil action number 19-1044-WHA, however, is proceeding. Under these circumstances, and because plaintiff was assessed a filing fee in both complaints, the court deems it appropriate to vacate

the order entered in this case on June 28, 2019 (doc. no. 4), requiring payment of the filing fee.

Accordingly, it is ORDERED that:

1. The order entered on June 28, 2019 (doc. no. 4) is VACATED to the extent it requires payment of the filing fee and provides those persons having custody of plaintiff Jaime Chavez with authority to withhold funds from his inmate account for payment of the filing fee in this case.

2. No funds be collected from plaintiff Chavez for payment of any portion of the filing fee attendant to this case.

3. Correctional officials shall not deduct funds from plaintiff Chavez's prison account for payment of the filing fee in this case.

The clerk of court is DIRECTED not to accept any funds from correctional officials or plaintiff Chavez as payment of the filing fee associated with this case.

The clerk of court is further DIRECTED to provide a copy of this order to the inmate account clerk at the prison where plaintiff Chavez is held.

DONE, this the 18th day of February, 2020.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE